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Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "Version with markings to show changes made."

REMARKS

The issues in the official action mailed July 5, 2002 are addressed below in detail.

Double Patenting

Claims 1, 4-6 and 9-27 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 17-20 and 25-37 of copending Application No. 09/567,145. Claims 4-6 and 9-19 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-16 of US 6060650.

Applicant wishes to postpone the response to this rejection until the other outstanding rejections are finalized.

§ 102 Rejections

Claims 1 and 3 were rejected under §102(b) as being anticipated by Petek (US 2674912).

In response, claim 1 has been amended to require that there only be two layers for the sound board, which is not taught in Petek, and claim 3 has been canceled.

§103 Rejection.

Claims 2, 7-8, 20-21 and 23-24 were rejected under 35 USC §103(a) as being unpatentable over Petek in view of Sloane (Steel-String Guitar Construction).

As mention above, claim 24 has been incorporated into claim 1 and as such, now is incorporated into every claim. This element requires that the sound board comprises no more than two layers of wood. Although this rejection includes claim 24, nothing in the official action discusses the requirement of no more than two layers of wood. Still further, even if Sloane

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suggested using two layers of wood, Petek teaches away from using two layers.

The combination fails because Petek depends on having 3 layers. It would not have been obvious to make the combination because altering the invention of Petek by making the sound board therein two layers would frustrate the teachings in Petek. Petek is directed at providing "a sounding board or diaphragm with a large ratio of stiffness to weight" (col. 1, lines 4-5). This requires three layers. It is stated in the patent that "a composite sounding board having outer layers made of material with relatively high stiffness...and having an inner layer made of a relatively light-weight material" (col. 1, lines 48-42). The invention depends on layers having differing stiffnesses, but requires that the outer layers be the same. Therefore, three layers are required. It is stated in the patent that the outer layers "need not be of equal thickness or be made of the same kind of material if they have the same or similar characteristics." (See col. 2, lines 13-16.) In order to create the effect the invention attempts to create it must have another layer having a lower stiffness. Since the outer layers have to have the same characteristics, three layers are required. As such, the cited references can not be combined because it would not be obvious to do so. In fact, Petek teaches against it. Therefore, withdrawal of the rejection is respectfully requested.

Claims 22 and 26-27 were rejected under 35 USC §102 as being unpatentable over Petek in view of Sloane as applied to claims 1, 20, 21, 24 and 25 and further in view of Oehrlein.

Since this rejection is based on the rejection of claim 24, the present rejection also fails because, as discussed above, claim 24 is not obvious as asserted.

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CONCLUSION

The claims are now believed to be in condition for allowance. The prompt allowance of these claims is earnestly solicited.

Respectfully submitted,

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Date: December 5, 2002

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Amendment***Application No.: 09/852253******Page 5******Version with markings to show changes made******In the Claims:******Please cancel claims 3 and 24.***

1. (Amended) An acoustic guitar, the guitar having a body having a soundboard, the soundboard comprising a first layer and a second layer, both layers being bonded together, wherein the first and second layers are made of different types of wood, wherein the sound board comprises no more than two layers of wood bonded together.

2. (Amended) The guitar of claim 1, the type of woods used to make the first and second layers being chosen from the group consisting of spruces, [ceders] cedars, firs, pines, redwoods, maple, koa, mahogany, [berch] birch and popple.

7. (Amended) The guitar of claim 2, wherein the first layer comprises [ceder] cedar and the second layer comprises spruce.

20. (Amended) The guitar of claim 1, the guitar having a sound box, a neck, a plurality of strings positioned above the sound board[, the improvement comprising a sound board comprising no more than two layers of wood bonded together].

25. (Amended) The acoustic guitar of claim [24] 1, wherein the two layers of wood are glued together.

27. (Amended) The guitar of claim [24] 1, wherein the grain direction of the two layers of wood are in substantially parallel planes, running in substantially perpendicular directions.